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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/699,453	10/30/2003	Stephen N. Weiss	4110-276U1 (405)	2854	
570	7590 03/25/2004 EXAMINER			INER	
AKIN GUMP STRAUSS HAUER & FELD L.L.P. ONE COMMERCE SOUARE			CEGIELNIK, I	CEGIELNIK, URSZULA M	
2005 MARKET STREET, SUITE 2200			ART UNIT	PAPER NUMBER	
PHILADELPHIA, PA 19103-7013		3712			

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edefencios of torming to available under the provisions of 37 CPR 1.136(s). In no event, however, may a reply be timely field Edefencios of torming to available under the provisions of 37 CPR 1.136(s). In no event, however, may a reply be timely field If the period for reply specified above is listed than thirty (30) days, a neply whitin the statutory priority unity (30) days will be considered timely. If the period for reply specified above is listed than the period for reply will, by statuting cause the application to become Administration (30) and the period of the communication of the communication. Finally will be not be extended period for reply will, by statuting cause the application to become Administration (20) at 1.0 (2, 3 t.13). If the period for reply specified above is listed than the period for reply will, by statuting cause the period of the communication of the communication of the communication. Finally will be period to the period of the communication of the communication of the communication of the communication. All the period patient for the mailing cause of the communication of the communication. All the period patient is period to a communication for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-5 is/are pending in the application. 4) Claim(s) 1-5 is/are application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-5 is/are application is in condition for allowance and provided the provided provided the provided provided the provided provided provided the provided prov	•	Application No.	Applicant(s)				
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The MALING DATE of this communication appears on the cover sheet with the correspondence address = Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Estamonar of time may be available under the provisions of 3 CFR 1.136(a). In no event, however, may a reply be timely filed If the paried for reply specified above is less than thisty (80) days, a reply within the adultury minimum of thisty (80) days, with be considered firmley. If the paried for reply specified above is less than thisty (80) days, a reply with the same and the paried for reply specified above is the sent and thisty (80). Sent a reply within the same and the paried for reply specified and reply with the same and the specified reply specified and the sent reply within the same and the specified reply within the same and the specified reply specified and the sent reply within the same and the specified reply within the same and the specified reply specified and the sent reply within the same and the specified reply within the same and the specified reply specified and the sent reply within the same and the specified reply specified and the sent reply specified reply specified and the specified reply specified reply specified and the specified reply specifie	Office Action Summary	Examiner	Art Unit				
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1)Responsive to communication(s) filed on	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period we Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing 	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days fill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
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DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Choi.

Choi discloses a remotely controlled toy vehicle including at least an on-board power supply (40), at least a plurality of wheels (23,24,25,26) supporting the vehicle (10) for itinerant movement, at least one motor (42) operably coupled to at least one of the wheels (25) to provide at least part of the itinerant movement of the vehicle (10), a controller circuit (41) configured to selectively supply power from the power supply (40) to the at least one motor (42) in response to commands from a transmitter (77) remote from the vehicle (10) to move the toy vehicle (10) and at least one light source (54), characterized by the controller circuit (41) being configured to selectively supply power to illuminate the at least one light (54) in response to a signal indicating the vehicle is performing a particular maneuver (col. 4, lines 59-62); the light source (54) is a LED (col. 3, lines 63-64).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choi in view of Robb.

Choi discloses the claimed invention except for the power to the at least one light is modulated as a function of time to vary a level of illumination intensity provided by the at least one light.

Robb teaches an illuminated toy having a plurality of lights (174,176). The lights are modulated as a function of time to vary a level of illumination intensity of the at least one light (col. 12, lines 21-30).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the lights being modulated as a function of time to vary a level of the illumination intensity as taught by Robb, since such a modification would provide enhanced play or decorative purposes.

Allowable Subject Matter

Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 703-306-5806. The examiner can normally be reached on Monday through Friday, from 5:30AM - 2:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for both regular and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at 703-306-5648.

Urszula M. Cegielnik **Assistant Examiner** Art Unit 3712

> DERRIS H. BANKS CHRERVISORY PATENT EXAMINER COLOGY CENTER 3700